

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 SPR



Project Name: ATHLETE'S CORNER SITE PLAN

Case Numbers: PSR2009-00028; SEP2009-00070; HAB2009-00063;
WET2009-00055; EVR2009-00032; EVR2009-00033

Location: 8014 NE 13th Avenue

Request: Site plan approval to divide an approximately 2.8 acres into two lots (through a binding site plan) and construct a 10,500 square foot retail building on Lot 2 in the GC zone

Applicant/Owner: Mike Jabusch Family Enterprises, LLC.
1112 NE 78th Street
Vancouver, WA 98665

Contact: Olson Engineering
Attn: Jocelyn Teel
1111 Broadway
Vancouver, WA 98660
Phone - (360) 695-1385, **Fax** - (360) 695-8117
E-mail - jocelynt@olsonengr.com

DECISION

Approval, subject to conditions

Team Leader's Initials: *MB* **Date Issued:** September 24, 2009

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer:	Doug Boheman, P.E., P.L.S.	4219	doug.boheman@clark.wa.gov
Biologist	Brent Davis	4152	brent.davis@clark.wa.gov
Biologist	George Fornes	5601	george.fornes@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	tom.scott@clark.wa.gov
Team Leader:	Michael Butts	4137	michael.butts@clark.wa.gov
Eng. Supervisor:	Sue Stepan, P.E.	4064	sue.stepan@clark.wa.gov

Parcel Numbers: Tax Lot 12,17 (145235) in the Southwest Quarter of Section 2, Township 2, Range 1 east of the Willamette Meridian

Zoning: CG (General Commercial)

Comp Plan Designation: CG

Applicable Laws:

Clark County Code (CCC) 15.12 (Fire), 40.230.010 (Commercial Districts); 40.320 (Landscaping/Screening), 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.360 (Solid Waste/Recycling), 40.370 (Sewer/Water), 40.380 (Stormwater/Erosion Control), 40.440 (Habitat), 40.450 (Wetlands), 40.500 (Procedures), 40.510.020 (Type II Process), 40.520.020 (Review and Approval), 40.520.040 (Site Plan), 40.550.010 (Road Mod), 40.570 (SEPA), 40.610 and 40.620 (Impact Fees)

Neighborhood Association/Contact:

NE Hazel Dell Neighborhood Association, **Contact** – Bud Van Cleve, 1407 NE 68th Street, Vancouver, WA 98665, **Phone** - (360) 695-1466, **E-mail** - BSVANC@aol.com

Time Limits:

The application was submitted on July 30, 2009 and determined to be fully complete on July 30, 2009. The County Code requirement for issuing a decision within 78 days lapses on October 16, 2009.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

The pre-application conference information was sufficiently complete to qualify for contingent vesting and the application was submitted within the required 180 days from issuance of the Pre-Application Conference Report. Therefore, the project was vested on the pre-application submittal date of April 10, 2009. The application vested for transportation concurrency on July 30, 2009.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, neighborhood association, and property owners within 300 feet of the site on August 14, 2009.

Public Comments:

The County has not received written public comments regarding the proposal.

Project Description/Background

The applicant proposes to divide the subject site in two lots through a binding site plan and construct a 10,500 square foot retail building on proposed lot 2. The existing 11,274 square foot building will remain on Lot 1 as a distribution facility for Athlete's Corner.

Wetland and habitat regulated areas exist on the site.

The following is a comprehensive plan, zoning, and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	GC	GC	Commercial
North	GC	GC	Vacant
South	GC	GC	Commercial
East	UH	OR-43	Residential
West	GC	GC	I-5

Issues and Staff Analysis

Staff first analyzed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 - Permitted Uses

Pursuant to CCC Table 40.230.010-1 (3), the proposed retail building is permitted outright in the GC Zone, subject to site plan review.

Finding 2 - Binding Site Plan

The applicant proposes to divide approximately 2.8 acres into two lots utilizing the binding site plan process. In accordance with RCW 58.17.040(4), division of land into lots or tracts classified for industrial or commercial use are exempt from state platting laws when county has approved a binding site plan for the use of the land in accordance with local regulations.

Both lots proposed meet the lot requirements of the General Commercial (GC) zone.

CCC 40.520.040(B) provides for approval of a binding site plan for the purpose of dividing land for sale or lease of commercially or industrially zoned property. In addition to the requirements of a standard site plan, a binding site plan shall contain inscriptions setting forth appropriate conditions for the use of the land, and provisions for making any development conform to the site plan. (see Condition A-1a)

County procedure for recording a binding site plan involves the recording of a covenant running with the land that requires any use of the property to conform to the site plan. A survey and copy of the site plan are recorded with the covenant. (see Condition A-1b)

Finding 3 - Site Plan/Pedestrian Walkway

There appears to be a conflict with the pedestrian route of travel and the loading space to the northwest of the existing commercial building. Staff cannot determine the exact boundaries of the loading space(s).

The applicant submitted a plan that shows the revised loading space (see Exhibit 13). Staff finds this revised loading space does not conflict with the pedestrian route of travel. The final site plan shall identify a loading space that is consistent with Exhibit 13. (See Condition A-1c)

Finding 4 - Loading Space

One loading spaces is required for the proposed 10,500 square foot retail building, but the one provided appears to conflict with the pedestrian route of travel. Also, it appears that the existing loading space will be eliminated.

The applicant submitted a plan that shows the revised loading space that does not conflict with the pedestrian route of travel. Staff finds that one loading space will be adequate for both buildings because the existing and proposed buildings is part of the same business. The final site plan shall identify a loading space that is consistent with Exhibit 13. (See Condition A-1c)

Finding 5 - Parking

Thirty parking spaces are required for the proposed 10,500 square foot retail building and 20 new spaces are provided. There are 11 extra parking spaces available in the existing parking lot, but a shared parking agreement will be required (for at least 10 spaces) because the existing parking lot will be on a separate lot from the proposed building. A shared parking agreement will be required (for at least 10 spaces) recorded with the Clark County Auditor's office prior to final site plan approval. (See Condition A-1d)

Finding 6 - Use of Existing Building

The applicant has indicated that the existing 11,274 square foot building on proposed Lot 1 will remain as a distribution facility for Athlete's Corner. There are 23 parking spaces associated with this building, but 10 will be used by the proposed retail building. Twelve parking spaces are needed for the existing distribution facility. There is adequate parking for the uses proposed, but there is not adequate parking for retail or office uses in the existing 11,274 square foot building. (See Condition A-1e)

Finding 7 - Pedestrian Walkway Landscaping

An eight-foot walkway plus three feet of landscaping along the pedestrian route is required from abutting street(s) (reference CCC 40.230.010 D5). The submitted site plan does not

comply with this standard along the east side of the proposed building. The final landscape plan shall identify landscaping along the eight-foot walkway, on the east side of the proposed building. (See Condition A-1f).

Finding 8 - Landscaping Along Building Sides

Pursuant to CCC 40.230.010 (D)(5)(b), landscaping is required along the sides of all buildings where the primary pedestrian access is provided. Minimum requirements shall include trees provided every thirty (30) feet on center planted in a landscaped strip or tree wells along the length of the building. The plan does not identify compliance with this requirement. The final landscape plan shall identify landscaping along the front side of the building pursuant to CCC 40.230.010 (D)(5)(b). (See Condition A-1g)

Finding 9 - Lighting

The applicant needs to ensure that lighting from the proposed development does not cast significant light or glare off-site on adjacent properties or public roadways. (See Condition G-1)

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan meets the land use requirements of the Clark County Code subject to conditions.

ARCHEOLOGICAL:

Finding 10

The Washington State Department of Archaeology and Historic Preservation has reviewed an archaeological pre-determination submitted by the applicant's archaeologist. The state concurred that no additional work will be required; however, the standard condition regarding discovery of resources will be applied. (See Condition A-1h)

Conclusion (Archaeology):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

HABITAT:

Finding 11

A habitat designation exists on the site because Cougar Creek flows through the subject parcel. Cougar Creek is a Type F (fish-bearing) stream. Under CCC 40.440.010(C)(1)(a), a Type F stream requires a 200-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The 200-foot riparian HCZ is measured outward from the ordinary high water mark, and covers the majority of the site.

Staff issued a report stating this finding under the habitat predetermination HAB2009-00035.

Finding 12

The applicant submitted a "Preliminary Riparian Habitat Buffer Mitigation Plan" dated July 28, 2009, prepared by The Resource Company, Inc. (see Exhibit 1). The 200-foot riparian HCZ is mapped correctly in that report. The applicant proposes to construct a commercial site within the 200-foot riparian HCZ. Clearing and development within a

riparian HCZ is a regulated activity under Table 40.440.010-1 rows 22-23, therefore a habitat permit is required.

Finding 13

According to the "Preliminary Riparian Habitat Buffer Mitigation Plan" dated July 28, 2009, prepared by The Resource Company, Inc. (see Exhibit 1), the proposed construction will require a total riparian HCZ reduction of 18,760 sq. ft., including removal of several non-native trees. The average HCZ width after construction will be approximately 101 feet.

The applicant proposes to mitigate by enhancing the remainder of the riparian HCZ (approximately 43,810 sq. ft.). In order to enhance the area, the applicant proposes to plant native trees and shrubs, control invasive species, remove trash, place large woody debris, install snags, create brush piles, place bat boxes, and create wetland. Furthermore the applicant proposes to maintain and monitor the site for a 5-year monitoring period, place signs around the HCZ, and record a conservation covenant to protect the area.

Finding 14

The applicant submitted a "Preliminary Engineering Plan" (see Exhibit 1, Sheet 1 of 1 under "Stormwater Prelim Plan") that shows a stormwater outfall near the creek in the southwestern portion of the site. This stormwater outfall is within the riparian HCZ, but is not addressed in the "Preliminary Riparian Habitat Buffer Mitigation Plan" dated July 28, 2009, prepared by The Resource Company, Inc. (see Exhibit 1).

The habitat consultant for the applicant submitted an email to staff on August 21, 2009, which included a revised stormwater outfall location and design (see Exhibit 11). According to that email the outfall will be re-routed to avoid woody vegetation, the trench will be restored with native vegetation, and the outfall itself will consist of a geomat held in place with dogwood and willow stakes. Staff finds these revisions to be have less impact than the previously proposed outfall.

Conclusion (Habitat):

Staff finds that the proposed mitigation is adequate to substantially maintain the level of habitat functions and values on the site, and that the project minimizes habitat disruption or alteration beyond the extent required to undertake the proposal. Therefore the proposal can comply with the Habitat Conservation Ordinance, subject to Conditions A-1i, A-1j, A-1k, A-4a, E-1, and G-2.

WETLANDS:

Finding 15

The applicant proposes to reduce wetland buffers for construction of a retail facility on a parcel with existing development. Mitigation proposed includes a combination of buffer averaging, land use intensity reduction, and wetland creation.

The wetland boundaries, rating, and buffers were confirmed under a Wetland Pre-determination issued on June 30, 2009 (WET2009-00039). The site contains a Category III wetland associated with Cougar Creek. The wetland requires an 80 foot buffer that is functionally isolated by the existing building.

Finding 16

The applicant proposed to reduce the land use intensity of the development from High to Moderate in accordance with CCC 40.450.040.C.1.a by doing the following:

1. Enhancing the existing wetland buffers on the site by managing invasive vegetation, restoring lawn areas to native vegetation and increasing over-bank storage for Cougar Creek.
2. High intensity uses on the site will be shielded by placement of the parking, entry, and receiving areas of the new structure on the north side (away from the wetland), limiting exterior lighting adjacent to the wetland, and establishing woody vegetation in the buffer between the wetland and the buildings.
3. The applicant proposes additional surface water management measures to improve wetland function by:
 - a. Providing water quality treatment for a large portion of the existing parking lot that is currently untreated by installing a catch basin filter; and
 - b. Re-directing roof drainage water from the existing building from a pipe that discharges directly to Cougar Creek by dispersing the water in the wetland buffer.

With these measures the required wetland buffer can be reduced from 80 to 60 feet if any exterior lighting on the portion of the new structure adjacent to the wetland buffer is designed to minimize the amount of light projected into the wetland.

Finding 17

The proposed structure will encroach to within approximately 24 feet of the wetland in one location. This will result in 0.03 acre of indirect wetland impact. The applicant proposes to mitigate for this impact with 0.02 (741 sq. ft.) acre of wetland creation and 0.18 acres of wetland enhancement. This meets the required mitigation ratios as shown in the revised mitigation balance (see August 19, 2009, Exhibit 10).

Finding 18

The applicant proposes buffer averaging to allow placement of the proposed structure within 40 ft. of the wetland in some locations. The proposed buffer averaging plan complies with CCC 40.450.040.C.3.

Finding 19

The project is being processed as a "Fast Lane" review, therefore construction plans are currently in for review and site grading plans are near approval. The wetland mitigation plan is in its final form and a Final Wetland Permit review is not necessary, however, the requirement for the performance assurance (CCC 40.450.040.I.1.d) must be met before grading in the 80' wetland buffers begins and the Conservation Covenant must be recorded prior to Final Site Plan approval.

Finding 20

The applicant proposes a 10 year monitoring period in the Wetland Mitigation Plan. Staff received an email clarifying that the intent was to propose a 5 year monitoring plan with monitoring reports to the County submitted after each growing season. The proposed mitigation is not seeking to create a forested wetland; therefore a 5 year monitoring period is sufficient. A total of 5 monitoring reports will be submitted.

Footnote 12 of Table 6.110A.010 requires fees for these monitoring reviews to be paid prior to issuance of Final Wetland Permit approval (Final Site Plan approval in this case). The total wetland mitigation monitoring fees due at that time will be \$1,868.00, unless fees are adjusted under Footnote 11.n

Conclusion:

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed preliminary site plan and preliminary wetland permit comply with the requirements of the Wetland Protection Ordinance PROVIDED that Conditions A-1l, A-1m, A-1n, C-1, and D-1 are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

TRANSPORTATION CONCURRENCY:

Finding 21 - Trip Generation

County concurrency staff has reviewed the proposed Athlete's Corner development consisting of one building totaling 10,500 square feet. The applicant's traffic study has estimated the p.m. peak-hour trip generation at 30 new trips. The applicant's study also estimated the average daily trip (ADT) generation at 300.

These trip generations were estimated using nationally accepted data published by the *Institute of Transportation Engineers Seventh Addition*. The proposed site is located at 8014 NE 13th Avenue.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1).

Finding 22 - Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

NE 13th Avenue/Site Access

The applicant's traffic study indicates that there is currently one access location along the development site frontage. This access location currently operates with full access movements onto NE 13th Avenue, to the east. The applicant's traffic study has identified some vertical curve operational issues on NE 13th Avenue, north of the proposed development. Because of these issues, the applicant is proposing to modify the existing full access onto NE 13th Avenue. This proposed modification would create a restricted access to allow a right-in/right-out and a northbound left-in. The applicant is proposing a raised channelization island to accomplish these turning movement restrictions. (See Conditions A-3a and E-2)

The traffic study shows that the existing NE 13th Avenue/site access intersection will maintain an estimated LOS B into the 2012 build-out horizon. The study also shows that this LOS was evaluated in the p.m. peak hour. Staff concurs with the applicant's LOS findings.

Historical Accident Situation

The applicant's traffic study has analyzed the accident history for the NE 13th Avenue/site access intersection. The accident history was obtained from Clark County for a 5-year period, 2004 – 2008.

The applicant's analysis concluded that the study intersections did not exceed thresholds that would warrant additional analysis. County Staff agrees with the applicant's findings.

Therefore, no further accident history analysis or mitigation is necessary.

Finding 23 - Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's study concluded that there were no capacity related needs were identified at the site access. Staff concurs with the applicant's study because of low turning volumes and good levels of service at the site access intersection.

Finding 24 - Concurrency Compliance

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 1 mile of the proposed development. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, approved, or are under construction and in the vicinity of the proposed development. The traffic these developments generate is referred to as "*in-process traffic*" and will ultimately contribute to the same roadway facilities as the proposed development. This "*in-process traffic*" is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The "*in-process traffic*" information that can be obtained from the County's transportation model is from developments that generate 10 vehicle trips or more in the PM peak hour travel time. Developments, in an urban area, that have fewer than 10 vehicle trips in the PM peak hour travel time do not explicitly get shown in the County's model, but, are accounted for in a "*background growth rate*" (1% per year). This "*background growth rate*" is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area and out of area traffic also.

Signalized Intersections

The County's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds of delay in the build-out year. Therefore, County Staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

Unsignalized Intersections

County Staff has performed an evaluation of the operating levels and delay standards represented in the County's model. The County's model consists of the study intersections of regional significance in the development area yielding operating levels and delay standards, during both the am and pm peak hours with a LOS better than the minimum allowable LOS E for unsignalized intersections.

The County has determined that this development will comply with adopted Concurrency Standards for unsignalized intersections.

Concurrency Corridors

Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model of the study corridors of regional significance under County Jurisdiction yielded operating levels and travel speeds with an acceptable level of service.

Summary

The County has determined that this development will comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction.

The County incurs costs to analyze the proposed development's impacts; therefore, the applicant shall reimburse the County for costs incurred in running the concurrency model. (See Condition A-3c)

Conclusion

Based upon the development site characteristics, the submitted traffic study dated July 29, 2009 prepared by Kittelson & Associates, Inc., the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan can meet the requirements of the county transportation concurrency ordinance CCC 40.350.020.

TRANSPORTATION:

Finding 25 - Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act is required in accordance with the provisions of Section CCC 40.350.010. Sidewalk already exists along the development's frontage on the east side of NE 13th Avenue. The development will not construct any interior roads nor does it front on any other existing roads. Based upon this information, staff finds that the proposed pedestrian/bicycle circulation complies with Section CCC 40.350.010.

Finding 26 - Circulation Plan

In compliance with Section CCC 40.350.030(B)(2), the circulation plan shall provide adequate cross-circulation for serving the proposed subdivision and allow future developments to meet the cross circulation standards. The applicant has obtained approval of a Road Modification for relief from providing cross-circulation. Based upon this information, staff finds that it is not feasible for this project to meet the cross-circulation requirements.

Finding 27 - Frontage Roads

NE 13th Avenue is classified as an Urban Collector (C-2). The minimum right-of-way (ROW) dedications and improvements for this road in accordance with CCC Table 40.350.030-2 and the Standard Details Manual, Drawing #12 include:

- a. A minimum half-width ROW of 30 feet.
- b. A minimum half-width roadway of 19 feet.
- c. Curb/gutter, detached sidewalk with a minimum width of 6 feet.
- d. Landscaping

The existing ROW and frontage improvements consist of 40 feet of half-width ROW, 20 feet of paved half-width, and a 5-foot attached sidewalk. The applicant has received Road Modification approval to allow a portion of the existing attached sidewalk to remain. (See Finding 29)

Finding 28 - Sight Distance

The applicant has submitted a sight distance certification prepared by Kittelson & Associates, Inc. and stamped by Eric Hathaway, a professional engineer licensed in the state of Washington. The certification states that there is 250 feet of intersection sight distance at the site's driveway which meets the required sight distance for the 25 mph posted speed in accordance with CCC 40.350.030(B)(8) when looking north onto NE 13th Avenue from the site's access. The driveway to the site is proposed as a right in / right-out. The applicant's traffic engineer states that since the access to the site will be designed to only allow right turn's out stopping distance to the south is not applicable.

Finding 29 - Road Modifications

The applicant has applied for and has received approval of a Road Modification to vary from Clark County's transportation standards. The road modifications requested by the applicant are for relief from the counties cross-circulation standards and relief from having to reconstruct the existing sidewalk as detached and to the required width.

Staff supports the road modification requests (See Exhibit 13).

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

STORMWATER:

Finding 30 - Applicability

Stormwater and Erosion Control Ordinance CCC 40.380 applies to development activities that results in 2,000 square feet or more of new impervious area within the urban area and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

The project will create more than 2,000 square feet of new impervious surface and it is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 31 - Stormwater Proposal

The applicant proposes to achieve the required stormwater quantity control for the proposed roof, parking lot and roadway in ChamperMaxx units and free draining stone system located north of the building in the parking lot. The detention facility has been designed to detain and release the 2, 10, and 100 year post-developed storms at rates specified in section CCC 40.380.040 (C)(3)(d). Stormwater will be released via a control structure from the detention facility at the required half of the 2-year, and not exceeding 10- year, and 100-year design storm events.

The applicant proposes to treat the stormwater runoff from the parking area by via Stormfilter catch basins. Stormwater runoff from the roof area will be routed directly to the detention facility. Stormwater runoff from the proposed frontage improvements will not be collected and routed to the detention facility since the proposed system will be collecting 3,092 square feet of existing parking area, which is greater than the 877 square feet of new impervious created by the frontage improvements. The stormwater quality mitigation facilities shall be designed to treat 70% of the 2 year occurring 24 hour storm event.

The stormwater mitigation facilities as proposed will be a private facility owned and maintained by the property owner. (See Condition A-6)

Finding 32 - Site Conditions and Stormwater Issues

The property is approximately 3.38 acres in area with slopes of 0-5% over 90% of the parcel and 5-10% over 10% of the parcel. The proposed development consists of a new building and additional parking, while the existing building and parking area are to remain. The improvements include approximately 10,224 square feet of new roof area and 15,153 square feet of new parking and sidewalk. The project will also include some minor frontage improvements to NE 13th Avenue, which includes 877 square feet of new street and sidewalk.

The proposed development consists of a new building and additional parking, while the existing building and parking are to remain. The improvements include approximately 10,224 square feet of new roof area and 15,153 square feet of new parking and sidewalk. The project will also include some minor frontage improvements to NE 13th Avenue, which includes 877 square feet of new street and sidewalk. The preliminary stormwater report indicates that the proposed total area of new impervious surface consisting of roof, parking lot and street improvements will be approximately 0.60 acre.

The Natural Resources Conservation Service (NRCS, formerly SCS) mapping shows the site to be underlain by Hillsboro soils and Gee soils (HoB, GeB), classified by AASHTO as A-4 soils and A-6 soils. These soils are designated as hydrologic group "B" and "C" respectively. CCC 40.380 does not list A-4 soils or A-6 soils as suitable for infiltration; therefore, disposal of stormwater runoff by infiltration is not proposed and quantity control is to be achieved by detention.

The project proposes to discharge the detained stormwater runoff into the wetlands located near the northwest portion of the project. In accordance with the provisions of Section CCC 40.380.040(B)(2), all development activities require to prepare a final stormwater control plan shall conduct an analysis of off-site water quality impacts resulting from the development activities and shall mitigate their impacts. The applicant has submitted an offsite analysis extending a quarter mile downstream from the development. The downstream analysis concludes that the existing downstream conveyance system is sufficient for the conveyance of stormwater runoff without the possibility of erosion.

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 33 - Fire Marshall Review

Tom Scott (in the Fire Marshal's Office) reviewed this application and can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 5). Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition D-2)

Finding 34 - Fire Flow/Hydrants

Fire flow in the amount of 2,750 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 4,000 gpm. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow is based upon a 10,500 sq. ft. type V-B constructed building.

Fire hydrants are required for this application. Fire flow in excess of 2,500 gpm require three hydrants on a looped main. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide the required fire hydrants and place that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads.

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local district fire chief approves the exact locations of fire hydrants.

(See Conditions B-4 and B-5)

Finding 35 - Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet. Roadways shall be an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition C-2)

A fire apparatus turnaround is required. The indicated alternate turnaround has been approved by the local fire district.

Finding 36 - Fire Alarm System

An approved fire alarm system is required at the time of construction for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the fire marshal's office.

WATER & SEWER SERVICE:

Finding 37

The applicant has submitted utility reviews from the Clark Regional Wastewater District and Clark Public Utilities indicating that public sewer and water is available to the subject site. The proposed building will be required to connect to approved public sewer and water systems. The applicant needs to comply with all requirements of the purveyor. (See Condition C-3)

IMPACT FEES:

Finding 38

Traffic Impact Fees (TIF) apply to the proposed rural development which is located within the hazel Dell Subarea. TIF for the proposed 10,500 square foot commercial building is **\$54,444.92**. (Reference IFC2009-00047 and Condition D-4)

Please contact Tahanni Essig at 397-6118, Ext. 5790 for further questions regarding the TIF. If the application is more than three years following the site plan approval, the Impact Fees will be recalculated according to the then current ordinance.

Finding 39 - Building Department

The building safety program has reviewed the submitted plan and has the following items to address for final site approval:

- All interior and exterior signs depicting the International Symbol of Accessibility shall be white on a blue background.
- Detectable warning shall be indicated on plan. Detectable warning shall be installed on curb ramps, along all flush routes, and exit from and entry to crossings. Revise plan to show detail for truncated domes at curb ramp and at each end of crossing between buildings.
- The running slope of walking surfaces shall not be steeper than 1 :20 and the cross slope of a walking surface shall not be steeper than 1:48. The accessible route between buildings shall not exceed the running or cross slope of code.

All structures, buildings, and facilities shall be permitted and approved by building safety division. Approval by land use or engineering division does not constitute approval by building safety division. Contact David Maret (Commercial Plans Examiner) at (360) 397-2375 x4091 for more information.

SEPA DETERMINATION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on August 14, 2009 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Community Development Department within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Persons:

Planner: Richard Daviau - (360) 397-2375, ext. 4895

Team Leader/Responsible Official: Michael V. Butts, (360) 397-2375, ext. 4137

Decision

Based upon the proposed plan (Exhibit 9), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction/Site Plan Review Review & Approval Authority: Development Engineering
----------	---

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 **Final Site Plan** - The applicant shall submit and obtain County approval of a final site plan with the following conditions of approval:
- a. Note on the final site plan "This Binding Site Plan shall be strictly adhered to in the development and use of the site. Any further development or change of use of the site shall be subject to review and approval through the site plan review process pursuant to Clark County Code 40.520.040. The lots depicted hereon shall not be considered legal lots for uses other than those uses set forth on the Binding Site Plan. If changes or amendments to the Binding Site Plan or the limitations and conditions attached thereto are deemed necessary or desirable, an application for the same shall be submitted and processed in accordance with the provisions of Section 40.520.040 of Clark County Code or any successor ordinance." (See Finding 2).
 - b. The applicant shall submit a properly signed and notarized binding site plan covenant running with the land provided by the county for that purpose, along with a reduced copy of a recorded survey of the site and the proposed lots, plus a legal description of the site. The binding site plan covenant with exhibits shall be recorded by the county prior to final site plan approval. (See Finding 2).
 - c. The final site plan shall identify a pedestrian walkway completely separate from the loading space and identify a loading space that complies with county code (see Findings 3 and 4).
 - d. A shared parking agreement shall be required (for at least 10 spaces) for the new retail building on proposed Lot 2 to park on in the existing parking lot on proposed Lot 1. This agreement shall be recorded with the Clark County Auditor's office (see Finding 5).
 - e. The existing 11,274 square foot building on proposed Lot 1 cannot be used for retail, office, or more intensive uses (see Finding 6).
 - f. The final landscape plan shall identify landscaping along the eight-foot walkway, on the east side of the proposed building (see Finding 7).
 - g. The final landscape plan shall identify landscaping along the front side of the building pursuant to CCC 40.230.010 (D)(5)(b) (see Finding 8).
 - h. Archaeology - A note shall be placed on the face of the final site plan and construction plans "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

- i. All grading, construction, and site plans shall show the Ordinary High Water Mark (OHWM) of Cougar Creek, and the remaining riparian habitat conservation zone.
- j. The applicant shall record a Conservation Covenant with the County Auditor's Office.
- k. A note shall be placed on the final site plan stating "No vegetation shall be removed from the riparian habitat conservation zone".
- l. Prior to Grading Plan approval a performance assurance that complies with CCC 40.450.040.J must be secured by the applicant and submitted to the Development Services Manager.
- m. Wetland Plan - All grading and constructions plans shall show the required 60 ft. buffer. Tree protection measures for the Oregon Ash in the wetland buffer that are proposed for specific protection from construction activities shall be noted on the grading and construction plans.
- n. Wetlands:
 - 1) The wetland and approved buffer boundaries shall be delineated on the face of the Final Site Plan.
 - 2) Recording a revised conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state.

A-2 **Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

A-3 **Transportation:**

- a. Signing and Striping Plan: The applicant shall submit a signing and striping design for review and approval. This signing and striping design shall be submitted to the Public Works Transportation Program. This design shall show signing, striping, and all related features for any required frontage improvements. The design shall also show the proposed raised channelization placement, at the site access, and its associated signing and striping. The applicant shall obtain a Work Order with Clark County to reimburse the County for any signing and striping changes needed along the frontage of this development.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.
- c. The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$2,000.

A-4 **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval (see Finding 22):

- a. The applicant shall use the revised stormwater outfall design as proposed in the Exhibit 11). This revised stormwater outfall design shall be shown on the final site plan.

A-5 **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-6 **Developer's Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 40.380. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

A-7 **Excavation and Grading** - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
----------	---

Prior to construction, the following conditions shall be met:

B-1 **Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

B-2 **Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 **Erosion Control** - Erosion control facilities shall not be removed without County approval.

B-4 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction.

B-5 Fire hydrants are required for this application. Fire flow in excess of 2,500 gpm require three hydrants on a looped main. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide the required fire hydrants and

place that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
----------	--

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

- C-1 Wetlands and Buffers - Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less.
- C-2 Ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet. Roadways shall be an all weather driving surface and capable of supporting the imposed loads of fire apparatus.
- C-3 The applicant shall comply with all requirements of the water or sewer purveyor.

D	Building Permits Review & Approval Authority: Customer Service
----------	---

Prior to issuance of a building permit, the following conditions shall be met:

- D-1 Any exterior lighting placed adjacent to the wetland buffer shall be designed to minimize projection of light into the wetland. A lighting plan must be submitted to the Development Services Manager for review.
- D-2 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- D-3 An approved fire alarm system is required at the time of construction for the proposed building. Such systems require separate reviews, permits and approvals issued by the fire marshal's office.
- D-4 The applicant shall pay TIF in the amount of **\$54,444.92** for the proposed 10,500 square foot commercial building (reference IFC2009-00047).

If a building permit is required, then the TIF will be required prior to building permit issuance. If application for a building permit is more than three years

following site plan approval, the Impact Fees will be recalculated according to the then current ordinance.

E Occupancy Permits

Review & Approval Authority: Customer Service

Prior to issuance of an occupancy permit, the following conditions shall be met:

- E-1 The applicant shall implement the "Preliminary Riparian Habitat Buffer Mitigation Plan" dated July 28, 2009, prepared by The Resource Company, Inc. (see Exhibit 1).
- E-2 The applicant shall construct the proposed raised channelization at the site access, restricting left-turn movements onto NE 13th Avenue. The raised channelization shall be in place and operational prior to occupancy, unless modified by the Director of Public Works
- E-2 Landscaping: Prior to the issuance of an approval of occupancy for final site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

F Development Review Timelines & Advisory Information

Review & Approval Authority: None - Advisory to Applicant-

- F-1 **Site Plans and other land use approvals** - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- F-2 **Building and Fire Safety** - Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.
- F-3 **Building elevation approvals** - Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.
- F-4 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:
 - The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
 - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

- The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G	Post Development Requirements Review & Approval Authority: As specified below
----------	--

- G-1 **Outdoor Lighting** - Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180.
- G-2 The applicant shall monitor all habitat mitigation planting areas for a period of five (5) years and submit monitoring reports and appropriate fees to Clark County. All photo and monitoring data shall be collected during the most recent growing season prior to report submittal.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on September 24, 2009. Therefore any appeal must be received in this office by October 8, 2009 .

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public hearing to consider the appeal.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

For Staff Only:

Final Plans Required with Construction Plans	YES	NO
Final Site Plan	X	
Final Landscape Plan:		
-On-site landscape plan	X	
-Right-of-way landscape plan*	X	
Final Wetland Plan	X	
Final Habitat Plan	X	

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

